

TO: BOARD OF DIRECTORS

FROM: MICHAEL S. LEBRUN *MSL*
GENERAL MANAGER

DATE: APRIL 4, 2014

AGENDA ITEM

C

APRIL 9, 2014

PRESENTATIONS AND REPORTS

The following presentations and reports are scheduled:

- C-1) REPORT ON MARCH 26, 2014 REGULAR MEETING CLOSED SESSION
Announcement of actions, if any, taken in Closed Session
- C-2) DIRECTORS' ANNOUNCEMENTS OF DISTRICT & COMMUNITY INTEREST AND REPORTS ON ATTENDANCE AT PUBLIC MEETINGS, TRAINING PROGRAMS, CONFERENCES, AND SEMINARS.
Receive Announcements and Reports from Directors
- C-3) RECEIVE PUBLIC COMMENT ON PRESENTATIONS AND REPORTS PRESENTED UNDER ITEM C AND BY MOTION RECEIVE AND FILE PRESENTATIONS AND REPORTS

TO: BOARD OF DIRECTORS

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**MARCH 26, 2014 REGULAR MEETING
CLOSED SESSION REPORT**

ITEM

Announcement of actions, if any, taken during Closed Session at previous Board Meeting [NO ACTION REQUESTED]

BACKGROUND

The March 26, 2014 Regular Meeting Closed Session included:

1. CONFERENCE WITH DISTRICT LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GC §54956.9"
 - a) SMVWCD VS. NCSD (SANTA CLARA COUNTY CASE NO. CV 770214, SIXTH APPELLATE COURT CASE NO. H032750 AND ALL CONSOLIDATED CASES).
 - b) NCSD v Troesh et. al. SLOCSC# CV130175

2. CONFERENCE WITH LEGAL COUNSEL PURSUANT TO GOVT. CODE §54956.9(d)(2)&(e)(1):
Significant Exposure to Litigation - 1 case.

Staff will report on closed session action taken, if any.

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CONSENT AGENDA

The following items are considered routine and non-controversial by staff and may be approved by one motion if no member of the Board wishes an item removed. If discussion is desired, the item may be removed from the Consent Agenda by a Board member and will be considered separately at the conclusion of the Administrative Items. Individual items on the Consent Agenda are approved by the same vote that approves the Consent Agenda, unless an item is pulled for separate consideration. The recommendations for each item are noted in bracket. Members of the public may comment on the Consent Agenda items.

**Questions or clarification may be made by the Board members
without removal from the Consent Agenda.**

- D-1) WARRANTS [RECOMMEND APPROVAL]
- D-2) APPROVE MARCH 26, 2014 REGULAR BOARD MEETING MINUTES
[RECOMMEND APPROVAL]
- D-3) INITIATE PROCEEDINGS FOR ANNUAL LEVY OF ASSESSMENTS FOR STREET
LANDSCAPE MAINTENANCE DISTRICT NO.1 [RECOMMEND APPROVE
RESOLUTION INITIATING PROCEEDINGS]

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HAND WRITTEN CHECKS

03-26-14 10240 BABE FARMS
 03-26-14 10241 CAR QUEST
 03-26-14 10242 PGE
 04-09-14 10243 PATRICK STURM

RENT \$1,000.00
 BATTERIES \$115.04
 ELECTRICITY \$36,806.71
 WASHER REBATE \$75.00

**TOTAL COMPUTER CHECKS
 \$438,745.77**

VOIDS - NONE

COMPUTER GENERATED CHECKS

22912	03/28/14	EMP01	EMPLOYMENT DEVELOP DEPT	1306.52	.00	1306.52	B40324	STATE INCOME TAX
22913	03/28/14	MID01	RABOBANK-PAYROLL TAX DEPO	4213.99	.00	4213.99	B40324	FEDERAL INCOME TAX
				62.00	.00	62.00	1B40324	FICA
				1088.96	.00	1088.96	2B40324	MEDICARE (FICA)
			Check Total.....:	5364.95	.00	5364.95		
22914	03/28/14	MID02	RABOBANK-DIRECT DEPOSIT	27845.10	.00	27845.10	B40324	NET PAY
22915	03/28/14	PER01	PERS RETIREMENT	8805.62	.00	8805.62	B40324	PERS PAYROLL REMITTANCE
22916	03/28/14	STA01	CALPERS 457 DEFERRED COMP	2580.00	.00	2580.00	B40324	457 DEFERRED COMP
022917	04/09/14	ADV01	ADVANTAGE ANSWERING PLUS	149.91	.00	149.91	APR 2014	ANSWERING SERVICE
022918	04/09/14	AIR01	AIR POLLUTION CONTROL	2592.00	.00	2592.00	15884	ANNUAL PERMITS-GENERATORS
022919	04/09/14	ALX01	ALEXANDER'S CONTRACT SERV	2447.51	.00	2447.51	APR 2014	METER READING
022920	04/09/14	AME03	AMERI PRIDE	155.88	.00	155.88	1086736	UNIFORMS
022921	04/09/14	ATT01	AT&T	155.30	.00	155.30	5242358	TELEPHONE
				22.66	.00	22.66	5242602	TELEPHONE
				175.36	.00	175.36	5242672	TELEPHONE
			Check Total.....:	353.32	.00	353.32		
022922	04/09/14	BES01	BEST BEST & KRIEGER	2624.96	.00	2624.96	722596	PERSONNEL MANUAL UPDATE
				3742.96	.00	3742.96	722597	SUPPLEMENTAL WATER PROJEC
				502.47	.00	502.47	722598	MCA VS NCSD
			Check Total.....:	6870.39	.00	6870.39		
022923	04/09/14	BRE02	BRENNTAG PACIFIC INC.	306.42	.00	306.42	BPI397874	SODIUM HYPOCHLORITE
				252.17	.00	252.17	BPI397875	SODIUM HYPOCHLORITE
				2807.90	.00	2807.90	BPI399973	SODIUM HYPOCHLORITE
				360.68	.00	360.68	BPI399974	SODIUM HYPOCHLORITE
				324.52	.00	324.52	BPI402125	SODIUM HYPOCHLORITE
				378.77	.00	378.77	BPI402126	SODIUM HYPOCHLORITE
			Check Total.....:	4430.46	.00	4430.46		
022924	04/09/14	CAL17	CALIF STATE UNIVERSITY, S	117.18	.00	117.18	S GERMAN	ADVANCED WASTE TREATMENT
022925	04/09/14	CAN02	CANNON CORPORATION	4012.31	.00	4012.31	56205	STANDPIPE CONSTRUCTION SU
				1262.64	.00	1262.64	56224	WELL #4
			Check Total.....:	5274.95	.00	5274.95		
022926	04/09/14	CHA02	CHARTER COMMUNICATIONS	204.99	.00	204.99	APR 2014A	INTERNET-SOUTHLAND
				204.99	.00	204.99	APR 2014B	INTERNET-WILSON
			Check Total.....:	409.98	.00	409.98		
022927	04/09/14	CLE06	CNSLSO INC	495.00	.00	495.00	18014	REPLACEMENT-MAIN OFFICE
022928	04/09/14	COR01	CORBIN WILLITS SYSTEMS	750.83	.00	750.83	B403151	COMPUTER SUPPORT
022929	04/09/14	COR04	CORIX WATER PRODUCTS (US)	4636.25	.00	4636.25	741305127	GASKET/METER ADPT/BOX/MET
				275.26	.00	275.26	741305372	METER ADPT/GASKET/METER/B
			Check Total.....:	4911.51	.00	4911.51		
022930	04/09/14	CRO03	CROSNO CONSTRUCTION INC	2185.00	.00	2185.00	1	PROGRESS PMT #1
022931	04/09/14	CWE01	CWEA	148.00	.00	148.00	B40327	MALDONADO MEMBERSHIP RENE
				148.00	.00	148.00	B40403	BREWER MEMBERSHIP RENEWAL
				148.00	.00	148.00	B40404	GERMAN MEMBERSHIP RENEWAL
			Check Total.....:	444.00	.00	444.00		

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022932	04/09/14	EVE02	EVERYTHING RIGHT NOW, INC	3375.00	.00	3375.00	1309	WEBSITE DEVELOPMENT
022933	04/09/14	FAR01	FARM SUPPLY COMPANY	169.39	.00	169.39	15444	HYDRATED LIME/CAT LITTER
022934	04/09/14	FAR02	FAR WEST EXPRESS	24.00	.00	24.00	MAR 2014	DELIVERY
022935	04/09/14	FER01	FERGUSON ENTERPRISES INC	86413.90	.00	86413.90	0464922	SWP BP#4
				4987.00	.00	4987.00	0464922-1	SWP BP#4
			Check Total.....:	91400.90	.00	91400.90		
022936	04/09/14	FER02	FERNANDEZ, RICHARD	737.04	.00	737.04	B40404	TRAVEL REIMBURSEMENT
022937	04/09/14	GIL01	GLM, INC.	340.00	.00	340.00	MAR 2014	LANDSCAPE MAINTENANCE
022938	04/09/14	GWA01	GWA INC	55.00	.00	55.00	APR 2014A	ALARM-WILSON
				87.00	.00	87.00	APR 2014B	ALARM-509 SOUTHLAND
				87.00	.00	87.00	APR 2014C	ALARM SHOP
			Check Total.....:	229.00	.00	229.00		
022939	04/09/14	LAN02	LANDMARK LANDSCAPE CO INC	214.00	.00	214.00	61355	LANDSCAPE MAINTENANCE
022940	04/09/14	LEE02	LEE CENTRAL COAST NEWSPAP	664.72	.00	664.72	MAR 2014	ADVERTISING
022941	04/09/14	MIN02	MINER'S ACE HARDWARE	139.89	.00	139.89	MAR 2014	SUPPLIES
022942	04/09/14	MNS01	MNS ENGINEERS INC	41614.95	.00	41614.95	64160	SOUTHLAND WWTF UPGRADE
				5114.17	.00	5114.17	64161	SUPPLEMENTAL WATER PROJEC
			Check Total.....:	46729.12	.00	46729.12		
022943	04/09/14	NEW05	NEWTON GEO-HYDROLOGY CONS	12349.48	.00	12349.48	MAR 2014	LITIGATION SUPPORT
022944	04/09/14	NEX03	NEXTRAQ	408.50	.00	408.50	AT1018564	GPS SERVICE
022945	04/09/14	NUN01	NUNLEY, MICHAEL K. & ASSO	4967.67	.00	4967.67	168	BL SEWER MASTER PLAN
022946	04/09/14	OFF01	OFFICE DEPOT	153.41	.00	153.41	69712001	OFFICE SUPPLIES
022947	04/09/14	PAC04	PACIFIC PETROLEUM	1170.75	.00	1170.75	396318	POTABLE TANKER/FUEL
022948	04/09/14	PER04	FERRY'S ELECTRIC MOTORS	3220.22	.00	3220.22	16559	EUREKA PUMP REPAIR
022949	04/09/14	PRE01	PRECISION JANITORIAL	650.00	.00	650.00	246	JANITORIAL
022950	04/09/14	RAU01	RAUCH COMMUNICATION CONSU	3829.53	.00	3829.53	MAR-1306	PROGRESS PMT-STRATEGIC PL
022951	04/09/14	SAN02	SANSONE COMPANY, INC	8391.64	.00	8391.64	4	PROGRESS PMT #4
022952	04/09/14	SOU01	SOUTH COUNTY SANITARY	33.98	.00	33.98	4423611	WASTE COLLECTION-OFFICE
				183.70	.00	183.70	4424834	WASTE COLLECTION-OLDE TOW
				187.52	.00	187.52	4425433	WASTE COLLECTION-SOUTHLAN
			Check Total.....:	405.20	.00	405.20		
022953	04/09/14	SOU03	SAN LUIS GARBAGE COMPANY	671.50	.00	671.50	MAR 2014	SOLID WASTE TAX LIENS
022954	04/09/14	SPI01	SPIESS CONSTRUCTION CO.	33206.30	.00	33206.30	2	PROGRESS PMT #2
022955	04/09/14	STA07	SRF ACCOUNTING OFFICE	34868.35	.00	34868.35	988085500	SRF ANNUAL DEBT SERVICE
022956	04/09/14	TES01	TESCO CONTROLS, INC.	18850.00	.00	18850.00	053937-IN	PROGRESS BILLING-WWTF UPG
022957	04/09/14	THE01	THE GAS COMPANY	23.99	.00	23.99	MAR 2014	HEAT-WILSON
				32.68	.00	32.68	MAR 2014A	HEAT-SOUTHLAND
			Check Total.....:	56.67	.00	56.67		
022958	04/09/14	TUC01	TUCKFIELD & ASSOCIATES	3037.50	.00	3037.50	369	RATE PROGRESS PAYMENT
				10833.75	.00	10833.75	370	DROUGHT RATE PROGRESS PAY
			Check Total.....:	13871.25	.00	13871.25		
022959	04/09/14	UND01	UNDERGROUND SERVICE ALERT	150.00	.00	150.00	14030023	UNDERGROUND SERVICE ALERT

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022960	04/09/14	USA01	USA BLUEBOOK	644.28	.00	644.28	293638	BAG/THERMOMETER/POLES
				63.37	.00	63.37	293707	DPD 4 FOR 10ML SAMPLE
				45.85	.00	45.85	293726	NITRA VER POWDER PILLOWS
			Check Total.....:	753.50	.00	753.50		
022961	04/09/14	USB01	US BANK (VISA)	69.95	.00	69.95	MAR 2014A	OFFICE SUPPLIES
				1019.19	.00	1019.19	MAR 2014B	DESKTOP COMPUTER
				585.00	.00	585.00	MAR 2014C	CSDA RESERVATION/CHAMBER
			Check Total.....:	1674.14	.00	1674.14		
022962	04/09/14	VER01	VERIZON	48.62	.00	48.62	B40331	TELEPHONE
022963	04/09/14	YOU01	YOUR PEOPLE PROFESSIONALS	3000.00	.00	3000.00	APR 2014	APRIL DEPOSIT-EMPLOYMENT
022964	04/09/14	FER01	FERGUSON ENTERPRISES INC	72495.87	.00	72495.87	464913	SWP BP#4
022965	04/09/14	NUN01	NUNLEY, MICHAEL K. & ASSO	1040.00	.00	1040.00	190	PCIA-697 W TEFFT

**FUNDS TO BE WIRED (IN LIEU OF CHECKS) FOR
 SOUTHLAND WWTF IMPROVEMENTS PHASE 1 PROJECT**

Cushman Contracting	Period 3/1/14 to 3/31/14	\$463,401.21
First Republic Bank	Period 3/1/14 to 3/31/14	\$24,389.54
	TOTAL	\$487,790.75

TO: BOARD OF DIRECTORS
FROM: MICHAEL S. LEBRUN
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AGENDA ITEM
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APRIL 9, 2014

APPROVE MINUTES OF PREVIOUS BOARD MEETINGS

ITEM

Approve action minutes from previous Board meetings. [RECOMMENDED APPROVE MINUTES]

BACKGROUND

The draft minutes are a written record of the previous Board Meeting action.

RECOMMENDATION

Approve minutes as part of Consent Agenda.

ATTACHMENT

- A. March 26, 2014 draft Board Meeting Minutes

APRIL 9, 2014

ITEM D-2

ATTACHMENT A

NIPOMO COMMUNITY SERVICES DISTRICT

Serving the Community Since 1965

REGULAR MINUTES

MARCH 26, 2014 AT 9:00 A.M.

BOARD ROOM 148 SOUTH WILSON STREET, NIPOMO, CA

BOARD of DIRECTORS

CRAIG ARMSTRONG, PRESIDENT
JAMES HARRISON, VICE PRESIDENT
LARRY VIERHEILIG, DIRECTOR
DAN GADDIS, DIRECTOR
BOB BLAIR, DIRECTOR

PRINCIPAL STAFF

MICHAEL S. LEBRUN, GENERAL MANAGER
LISA BOGNUDA, FINANCE DIRECTOR
MICHAEL W. SEITZ, GENERAL COUNSEL
PETER SEVCIK, DIRECTOR OF ENG. & OPS.
NITA WINDSOR, BOARD CLERK

Mission Statement: The Nipomo Community Services District's mission is to provide its customers with reliable, quality, and cost-effective services now and in the future.
--

00:00

A. CALL TO ORDER AND FLAG SALUTE

President Armstrong called the Regular Meeting of March 26, 2014 to order at 9:00 a.m. and led the flag salute.

0:00:50

B. ROLL CALL AND PUBLIC COMMENT FOR ITEMS NOT ON AGENDA

At Roll Call, Directors Blair, Gaddis, Harrison and Armstrong were present. Director Vierheilig had a planned absence.

President Armstrong announced that the Board would consider Item E-1 next.

E-1) CONSIDER GRANT REQUEST FROM NIPOMO CHAMBER OF COMMERCE IN AMOUNT OF \$24,552.00 FOR SOLID WASTE REMOVAL IN NIPOMO COMMUNITY COMMON AREAS

Richard Malvarose, Nipomo Chamber of Commerce President, gave a report on the proposed Solid Waste Grant Program and answered questions from the Board. The Board thanked Mr. Malvarose.

Ed Eby, NCSD Customer, commented in favor of the Grant.

Upon the motion of Director Blair and seconded by Director Gaddis, the Board unanimously approved the Grant request from the Nipomo Chamber of Commerce in the amount of \$24,552.00.

Vote 4-0.

YES VOTES	NO VOTES	ABSENT
Directors Blair, Gaddis, Harrison and Armstrong	None	Vierheilig

The Board took Public Comment.

Ed Eby, NCSD Customer, commented on the status of San Luis Obispo County's state water supply.

Subject to Board Approval

0:08:39 C. PRESENTATIONS AND REPORTS

C-1) DIRECTOR OF ENGINEERING AND OPERATIONS
RE: Summary of Activities

Peter Sevcik, Director of Engineering and Operations reviewed the report as presented in the Board packet. Mr. Sevcik answered questions from the Board. The Board thanked Mr. Sevcik for his report.

There was no public comment.

C-2) REPORT ON MARCH 12, 2014 REGULAR MEETING CLOSED SESSION
Announcement of actions, if any, taken in Closed Session

Michael Seitz, District Legal Counsel, announced that the Board discussed Item One (a) (Conference with District Legal Counsel re: pending litigation pursuant to GC §54956.9 SMVWCD VS NCSD) in closed session, but took no reportable action.

Mr. Seitz reported that Item One(b) (existing litigation – Mesa Community Alliance Vs. District, Case No. CV 130222) was dismissed with prejudice.

Mr. Seitz reported that the Board discussed Items One (c) (NCSD v. Troesh, et al, SLOCSC# CV130175) and Item One (d) (BenIng Company LLC v. NCSD Case # 14CV-0069) in closed session, but took no reportable action.

Mr. Seitz reported that the Board discussed Item Two (Conference with Legal Counsel pursuant to Govt. Code §54956.9(d) (2) & (e) (1)), in closed session, but took no reportable action.

C-3) DIRECTORS' ANNOUNCEMENTS OF DISTRICT & COMMUNITY INTEREST AND REPORTS ON ATTENDANCE AT PUBLIC MEETINGS, TRAINING PROGRAMS, CONFERENCES, AND SEMINARS.
Receive Announcements and Reports from DirectorsDirector Gaddis

- ◇ *Was present at the SCAC Election on March 17*
- ◇ *Attended the SCAC Meeting on March 24*
- ◇ *Announced that Jim Caruso of the San Luis Obispo County Planning Committee will give a presentation to SCAC on water on April 28*

Director Armstrong

- ◇ *Attended the NMMA TG Meeting on March 20*
- ◇ *Attended the SCAC Meeting on March 24*

C-4) RECEIVE PUBLIC COMMENT ON PRESENTATIONS AND REPORTS PRESENTED UNDER ITEM C AND BY MOTION RECEIVE AND FILE PRESENTATIONS AND REPORTS

There was no public comment.

C. PRESENTATIONS AND REPORTS (CONTINUED)

*Upon the motion of Director Harrison and seconded by Director Blair, the Board unanimously voted to receive and file the presentations and reports as submitted.
 Vote 4-0.*

YES VOTES	NO VOTES	ABSENT
Directors Harrison, Blair, Gaddis, and Armstrong	None	Vierheilig

0:20:18

D. CONSENT AGENDA

- D-1) WARRANTS
- D-2) APPROVE MARCH 12, 2014 REGULAR BOARD MEETING MINUTES
- D-3) DECLARE 250 KW GENERATOR SURPLUS AND AUTHORIZE SALE

President Armstrong asked if any Directors desired to pull items from the Consent Agenda or had any questions. No items were pulled from the Consent Agenda. Director Harrison requested clarification on warrants.

There was no public comment.

*Upon the motion of Director Gaddis and seconded by Director Blair, the Board unanimously approved the Consent Agenda.
 Vote 4-0.*

YES VOTES	NO VOTES	ABSENT
Directors Gaddis, Blair, Harrison and Armstrong	None	Vierheilig

0:24:27

E. ADMINISTRATIVE ITEMS

E-2) CONSIDER WATER SHORTAGE RESPONSE AND MANAGEMENT PLAN

Michael LeBrun, General Manager, reviewed the report as presented in the Board packet. Mr. LeBrun and Michael Seitz, District Legal Counsel, answered questions from the Board.

The following members of the public spoke:

Ed Eby, NCSD Customer, expressed concerns about NCSD waiting to act on this plan.

Bill Kengel, NCSD Customer, had concerns about increasing water rates.

Rick Bacon, NCSD Customer, had concerns about increasing water rates.

The Board decided to table further discussion of this item until the April 9 Board meeting.

E. ADMINISTRATIVE ITEMS (CONTINUED)

Prior to discussion of Item E-3, Director Blair requested clarification on Item D-3. Michael LeBrun, General Manager, and Michael Seitz, District Legal Counsel, addressed Director Blair's request.

E-3) AUTHORIZE CONTRACT FOR EUREKA WELL REPAIR

Peter Sevcik, Director of Engineering and Operations, reviewed the report as presented in the Board Packet, and answered questions from the Board.

There was no public comment.

*Upon the motion of Director Harrison and seconded by Director Gaddis, the Board unanimously approved the Resolution authorizing staff to execute contract in the amount of \$63,180.00 with Fisher Pump and Well Service, Inc., and authorizing change order contingency in the amount of \$30,000.00
 Vote 4-0.*

YES VOTES	NO VOTES	ABSENT
Directors Harrison, Gaddis, Blair and Armstrong	None	Vierheilig

RESOLUTION 2014-1331
 A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO
 COMMUNITY SERVICES DISTRICT AUTHORIZING A CONTRACT FOR
 EUREKA WELL REPAIR WITH FISHER PUMP AND WELL SERVICE, INC.

E-4) AUTHORIZE CHANGE ORDER FOR SUPPLEMENTAL WATER PROJECT PHASE 1 BID PACKAGE 4

Peter Sevcik, Director of Engineering and Operations, reviewed the report as presented in the Board packet, and answered questions from the Board.

Ed Eby, NCSD Customer, expressed concern over possible construction complications.

Michael Seitz, District Legal Counsel, added the following verbiage to the Resolution:

Whereas, the Board of Directors has read the staff report for this item and has heard the staff presentation, and;

*Upon the motion of Director Gaddis and seconded by Director Blair, the Board unanimously voted to approve the Resolution, authorize change order for Supplemental Water Project Phase 1 Bid Package 4, and authorize staff to issue change order in the amount of \$529,670.00 to Spiess Construction, Inc. for construction of flow meter and flow control station as part of Supplemental Water Project Phase 1 Bid Package 4, as amended.
 Vote 4-0.*

YES VOTES	NO VOTES	ABSENT
Directors Gaddis, Blair, Harrison and Armstrong	None	Vierheilig

RESOLUTION NO. 2014-1332
 A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
 NIPOMO COMMUNITY SERVICES DISTRICT AUTHORIZING
 CHANGE ORDER FOR SUPPLEMENTAL WATER PROJECT
 PHASE 1 BID PACKAGE 4.

The Board took a 10-minute break at 10:21 a.m.

E-5) CONSIDER REQUEST BY DEVELOPER OF HILLSIDE TERRACE APARTMENT PROJECT

President Armstrong gave a brief summary of the issue.

Michael LeBrun, General Manager, reviewed the report as presented in the Board Packet.

Bill Kengel, developer of the Hillside Terrace Apartment Project gave a history of the project, and asked that the Board consider his request for exceptions to District policy in order to expedite his project.

Ed Eby, NCSD Customer, commented on Mr. Kengel's request.

Mr. LeBrun, Michael Seitz, District Legal Counsel, and members of the Board addressed Mr. Kengel's concerns, with the determination being that the District needs to receive an Offer of Dedication of water and sewer utilities from both Mr. Kengel and the owner of Tract 2689 before Mr. Kengel's project can move forward with regard to water and sewer services.

1:58:52 F. GENERAL MANAGER'S REPORT

Michael LeBrun, General Manager, reviewed the report as presented in the Board packet. Mr. LeBrun added that Directors Harrison, Gaddis and Blair will be attending the Nipomo Chamber of Commerce luncheon on March 27. Mr. LeBrun answered questions from the Board.

The following members of the public spoke:

Ed Eby, NCSD Customer, expressed interest in accompanying Mr. LeBrun and Directors Gaddis and Blair on their tour of Southland WWTF on March 28.

2:09:07 G. COMMITTEE REPORTS

There were no committee reports.

H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

There were no requests to staff.

I. CLOSED SESSION ANNOUNCEMENTS

1. CONFERENCE WITH DISTRICT LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GC §54956.9

a) SMVWCD VS. NCSD (SANTA CLARA COUNTY CASE NO. CV 770214, SIXTH APPELLATE COURT CASE NO. H032750 AND ALL CONSOLIDATED CASES).

b) NCSD v Troesh, et al. SLOCSC# CV130175

I. CLOSED SESSION ANNOUNCEMENTS (CONTINUED)

- 2. CONFERENCE WITH LEGAL COUNSEL PURSUANT TO GOVT. CODE §54956.9(d)(2)&(e)(1):
Significant Exposure to Litigation - 1 case.

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There was no public comment.

2:20:00 K. ADJOURN TO CLOSED SESSION

President Armstrong adjourned to closed session at 11:20 a.m.

3:47:00 L. OPEN SESSION
ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

The Board came back into Open Session at 12:47 p.m.

Michael Seitz, District Legal Counsel, announced that the Board discussed Items One and Two listed under closed session announcements, but took no reportable action.

The Board took a 10-minute break and reconvened at 1:04 p.m. to consider Item E-6.

E-6) STRATEGIC PLAN PRESENTATION AND ADOPTION

Martin Rauch, of Rauch Communications, reviewed his report as presented in the Board packet and answered questions from the Board.

There was no public comment.

*Upon the motion of Director Harrison and seconded by Director Blair, the Board unanimously agreed to adopt the 2014 Strategic Plan, with suggestions.
Vote 4-0*

YES VOTES	NO VOTES	ABSENT
Directors Harrison, Blair, Gaddis and Armstrong	None	Vierheilig

RESOLUTION NO. 2014-1333
A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ADOPTING THE 2014 STRATEGIC PLAN

ADJOURN

President Armstrong adjourned the meeting at 1:57 p.m.

MEETING SUMMARY	HOURS & MINUTES
Regular Meeting	3 hour 30 minutes
Closed Session	1 hour 27 minutes
TOTAL HOURS	4 hours 57 minutes

TO: BOARD OF DIRECTORS
FROM: MICHAEL S. LEBRUN
GENERAL MANAGER
DATE: APRIL 4, 2014

AGENDA ITEM
D-3
APRIL 9, 2014

**INITIATING PROCEEDINGS FOR ANNUAL LEVY OF ASSESSMENTS
FOR STREET LANDSCAPE MAINTENANCE DISTRICT NO. 1**

ITEM

Resolution initiating proceedings for annual levy of Street Landscape Maintenance District No. 1
[RECOMMEND ADOPT RESOLUTION]

BACKGROUND

In 2003, the Board of Directors formed Street Landscape Maintenance District No. 1 to provide the street landscape maintenance for Tract 2409 (Sculpture Homes located on Vista Verde and Ida Street). The Street Landscape Maintenance District formed under Government Code Section 61601.20 and the Landscaping and Lighting Act of 1972.

Annually, the District follows the procedures outlined in the Government Code and Prop. 218 to levy the assessment on each of the 28 property owners served by the Landscape Management District. In order to proceed, the attached Resolution should be adopted to initiate the proceedings and appoint Director of Engineering and Operations, Peter Sevcik as the Assessment Engineer.

RECOMMENDATION

Staff recommends adoption of Resolution 2014-LMD initiation

ATTACHMENT

- A. Resolution 2014-LMD Initiation

APRIL 9, 2014

ITEM D-3

ATTACHMENT A

**NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2014-XXXX**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT INITIATING PROCEEDINGS FOR ANNUAL
LEVY OF ASSESSMENTS FOR THE STREET LANDSCAPE MAINTENANCE DISTRICT NO. 1
FOR FISCAL YEAR 2014-2015 PURSUANT TO THE PROVISIONS OF PART 2 OF
DIVISION 15 OF THE CALIFORNIA STREETS AND HIGHWAYS CODE**

WHEREAS, the Nipomo Community Services District Board of Directors ("NCSD") has, by previous Petition and Resolution, formed the Nipomo Community Services District Street Landscape Maintenance District No. 1 (hereinafter referred to as "Street Landscape Maintenance District No. 1") pursuant to the provisions of Government Code §61601.20 and the Landscaping and Lighting Act of 1972 (hereinafter referred to as the "Act") that provides for the levy and collection of assessments by the County of San Luis Obispo for the Nipomo Community Services District to pay for the installation, planting and maintenance of landscaping within public streets, right of ways or easements within the Nipomo Community Services District; and

WHEREAS, Street Landscape Maintenance District No. 1 and the associated assessments are in compliance with the provisions of California Constitution Article XIID; and

WHEREAS, the NCSD has appointed Peter Sevcik, a registered engineer, as assessment engineer for the purpose of assisting with the Annual Levy of the Street Landscape Maintenance District No. 1 and to prepare and file a report in accordance with the Act.

NOW, THEREFORE BE IT RESOLVED, DETERMINED, AND ORDERED by the Board of Directors of the Nipomo Community Services District for the Nipomo Street Landscape Maintenance District No. 1, as follows:

SECTION 1: The NCSD hereby initiates proceedings for annual levy of assessments for Street Landscape Maintenance District No. 1 for Fiscal Year 2014-2015 pursuant to the provisions of the Act.

SECTION 2: The improvements within Street Landscape Maintenance District No. 1 include: trees, shrubs, grass, other ornamental vegetation, and appurtenant facilities, including irrigation system within the Street Landscape Maintenance District No. 1. The Board of Directors does not anticipate new improvements or substantial changes in existing improvements.

SECTION 3: Engineer's Annual Levy Report: The NCSD Board of Directors hereby orders that Peter Sevcik, District Director of Engineering and Operations and a registered professional engineer in CA, prepare the Engineer's Annual Levy Report concerning the levy of assessments for Street Landscape Maintenance District No. 1 in accordance with *Chapter 3, Section 22622* of the Act.

PASSED AND ADOPTED by the Board of Directors of the Nipomo Community Services District this ___th day of April, 2014, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

CRAIG ARMSTRONG
President, Board of Directors

ATTEST:

APPROVED AS TO FORM:

MICHAEL S. LEBRUN
General Manager and Secretary to the Board

MICHAEL W. SEITZ
District Legal Counsel